


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P4096.PC/PDW		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/GB2004/003255		International filing date (day/month/year) 27.07.2004		Priority date (day/month/year) 07.08.2003
International Patent Classification (IPC) or national classification and IPC H04L29/06, H04L12/56				
Applicant OFF THE SHELF SOFTWARE LIMITED				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 06.06.2005		Date of completion of this report 17.01.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Canosa Aresté, C Telephone No. +31 70 340-2883		



INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITYInternational application No.
PCT/GB2004/003255**10/567734****Box No. 1 Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-19 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/003255

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-5,10-12
	No: Claims	1,2,6-9,13-15
Inventive step (IS)	Yes: Claims	10-12
	No: Claims	1-9,13-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

- 1 The following document is referred to in this communication:
D1 : US 2003/081582 A1 (VEERPALLI SIVARAMAKRISHNA ET AL) 1 May 2003
- 2 The International Search Authority considers that the subject-matter of claims 1,2, 6-9, 13-15 is not new in the sense of Article 33(2) PCT, and that the subject-matter of claims 3-5 is not inventive in the sense of Article 33(3) PCT.
- 2.1 Claim 1 does not meet the requirements of novelty under Article 33(2) PCT for the following reasons:

The document D1 discloses (the references in parentheses applying to this document): a method of sending data over a communication network, the method comprising the steps of

- (a) an originating terminal (206 MWT; abstract; §65) (206 is a Mobile Wireless Terminal (MWT), and as such is able to forward traffic originated elsewhere, but also to originate traffic on its own) generating a request for a content server (236a..n, fig.2; §67);
- (b) the originating terminal dividing the request into a plurality of packets (§69);
- (c) the originating terminal distributing the plurality of packets to a first plurality of terminals over a first network (240a..n, fig.2; §68, §69) (the satellite communication links or connections are between the two networks, each of the uplink or downlink is terminated at the satellite in a terminal);
- (d) the first plurality of terminals transmitting packets received during step (c) to a reconstitution server (232, fig.2; §§70,71) (ground controller 232 receives the packets from the satellite downlinks through gateway station 180 and reassembles them into reconstructed IP packets) located in a second network, the first plurality of terminals being connected to the second network by a second plurality of connections (240a..n, fig.2; §68);
- (e) the reconstitution server (232, fig.2; §§70,71) receiving the plurality of packets and sending the plurality of packets to the content server (236, fig.2; §§70,71).

Since all the features of claim 1 are known in combination from document D1, the subject-matter of claim 1 is not new (Article 33(2) PCT).

- 2.2 The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 6 and 13, which essentially recite the same subject-matter as defined in claim 1 in terms of a communication network, respectively a reconstitution server, which therefore are also considered not new (Article 33(2) PCT).
- 2.3 Dependent claims 2, 7-9, 14, 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT), see document D1 and the corresponding passage cited in the search report.
- 2.4 The additional features of dependent claims 3-5 are a matter of normal design procedure for a man skilled in the art of networking. Therefore, the subject-matter of said claims does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.5 The subject-matter of claims 10-12 appears to fulfill the requirements of novelty and inventive step (Articles 33(2) and 33(3) PCT).